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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,574	10/17/2000	Mike Daily	HRL048	3531

28848 7590 07/16/2003

TOPE-MCKAY & ASSOCIATES
23852 PACIFIC COAST HIGHWAY #311
MALIBU, CA 90265

EXAMINER

FERGUSON, KEITH

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 07/16/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/690,574

Applicant(s)

DAILY ET AL.



Examiner

Keith T. Ferguson

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

Art Unit: 2683

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-5,8,11-17,20 and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Lau et al..

The claimed invention reads on Lau et al. as follows:

Regarding claims 1 and 14, Lau et al. discloses method for an audio (voice) information transmission device for providing audio information (fig. 1 number 2 and paragraph 0011) comprising: a user interface (keypad for dialing) (fig. 1 number 2 and paragraph 0029), a position detection system (paragraph 0038 and

Art Unit: 2683

0039), an information server (paragraph 0022), and a playback manager (call manager) (outgoing responses) (paragraph 0028), wherein, the user interface provides a user with an ability to submit queries to a database (paragraphs 0029 and 0030), and further provides location-specific information back to the user (paragraph 0010); the position detection system is comprised of a variety of complimentary devices (satellites, inherent as taunt in GPS systems, paragraph 0039) that provide user position data to assist with the user-generated queries (GPS) (paragraph 0039); the information server provides a means for communicating the queries and the position data to the database (paragraph 0023), and further provides a means for communicating references to the playback manager (paragraph 0028 and 0030); and the playback manager provides a means for delivering location-specific information to the user interface (paragraphs 0035, 0036, 0037, 0038 and 0044).

Regarding claims 2 and 15, Lau et al. discloses orientation data to assist with user-generated queries (paragraph 0039).

Regarding claim 3, Lau et al. discloses said playback manager further provides preference-filtered information to the user interface (paragraph 0033).

Regarding claims 4 and 16, Lau et al. discloses said location-specific information is spatially enhanced based on the user position and orientation data (nearest matching destination) to appear to be coming from a location (street address) with which the information is associated (paragraph 0045).

Regarding claims 5 and 17, Lau et al. discloses said location specific information is provided to the user as text (text description) (paragraph 0048).

Regarding claims 8 and 20, Lau et al. discloses said information server is either a distributed Internet-based information server networked to a plurality of information sources or a dedicated independent server (paragraphs 0022 and 0023).

Regarding claims 11, 12, and 23, Lau et al. discloses said user interface a two way (a wireless phone, a mobile phone, a

Art Unit: 2683

mobile transceiver, and a computer communications device)
(PDA) (paragraph 0018).

Regarding claims 13,24 and 25, Lau et al. discloses to provide location specific information based on an expected user destination determined from the user orientation data (paragraph 0038 and 0039).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 6,7,18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lau et al. in view of Dahlen.

Regarding claims 6,7,18 and 19, Lau et al. discloses an audio (voice) information transmission device as discussed supra in claims 1,17 and 14 above. Lau et al. differs from claims 6,7,18 and 19 of the claimed invention in that it do not disclose the text is automatically converted from text to a user selected spoken language and translated from a spoken language to another spoken language of the user's choice. Dahlen discloses text is automatically converted from text to a user selected spoken language (col. 3 lines 30-33 and col. 6 lines 20-31) and translated from a spoken language to another spoken language of the user's choice (col. 3 lines 30-33 and col. 6 lines 20-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Lau et al. with the text is automatically converted from text to a user selected spoken language and translated from a spoken language to another spoken language of the user's choice in order to provide

Art Unit: 2683

the user a chose when receiving location information based upon the users language preference, as taught by Dahlen.

5. Claims 9,10,21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lau et al. in view of Kanamaluru et al.

Regarding claims 9,10,21 and 22, Lau et al. discloses an audio (voice) information transmission device as discussed supra in claims 1 and 14 above. Lau et al. differs from claims 9,10,21 and 22 of the claimed invention in that it do not disclose the location specific information has an ability to be user-annotated. Kanamaluru et al. teaches the location specific information has an ability to be user-annotated (paragraph 0021). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Lau et al. with the location specific information has an ability to be user-annotated in order the user could add personal notes of interest to the location information which would help with travel, as taught by Kanamaluru et al..

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kikinis et al. (US 2002/0128021 A1) discloses an enhanced weather and traffic information from mobile communication devices. Hyde-Thompson et al. (U.S. Patent 6,487,533) discloses an unified messaging system with automatic language identification for text to speech conversion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T.

Art Unit: 2683

Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Keith Ferguson *VF*
Art Unit 2683
July 10, 2003


WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600